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Paper No.

CARY D. PERTTUNEN
11764 RAINTREE COURT
SHELBY TOWNSHIP MI 48315

COPY MAILED

JUN 25 2007

OFFICE OF PETITIONS

In Application of	:	
Cary Perttunen	:	DECISION ON APPLICATION
Application No. 09/629,013	:	FOR
Filed: July 31, 2000	:	PATENT TERM ADJUSTMENT
Attorney Docket No. CDP0700	:	

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT, filed April 24, 2007. Applicant requests that the patent term adjustment indicated on the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) be corrected from one thousand one hundred seventy-eight (1178) days to one thousand four hundred seventy-two (1472) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is one thousand four hundred seventy-two (1472) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On March 21, 2007, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 1178 days. The instant request was timely filed on the same date as payment of the Issue Fee. Applicants request a total of 294 additional days of PTA for Office delay in mailing a notice of allowance more than four months after a favourable Board of Patent Appeals and Interference (BPAI) decision.

Applicant states that the patent issuing from this application is not subject to a terminal disclaimer.

Applicant is entitled to a period of adjustment for Office delay in taking action after the final decision by the Board. Specifically § 1.703(a)(5) provides for a period of adjustment for Office delay for:

The number of days, if any, in the period beginning on the day after the date that is four months after the date of a final decision by the Board of Patent Appeals and Interferences or by a Federal court in an appeal under 35 U.S.C. 141 or a civil action under 35 U.S.C. 145 or 146 where at least one allowable claim remains in the application and ending on the date of mailing of either an action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151, whichever occurs first;

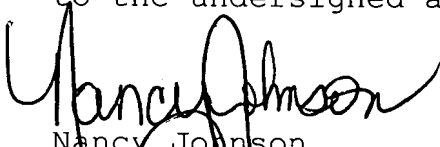
A favorable decision was entered on January 31, 2006. The notice of allowance under 35 U.S.C. 151, mailed March 21, 2007, was mailed in response to the favorable decision. Pursuant to § 1.703(a)(5), a period of adjustment of 294 days, for the period from June 1, 2006 to March 21, 2007, should have been entered.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the notice of allowance is one thousand four hundred seventy-two (1472) days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The Office of Patent Publication has been advised of this decision. The application is, thereby, being forwarded to the Office of Patent Publication for issuance of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED Pair Screen